

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 25, 2009

AMENDED IN ASSEMBLY MAY 6, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1280**

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**Introduced by Assembly Member Villines  
(Coauthor: Assembly Member Adams)**

February 27, 2009

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An act to amend Section 273ab of the Penal Code, relating to child abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 1280, as amended, Villines. Child abuse sentencing: child becoming comatose or suffering paralysis.

Existing law provides that any person who, having the care or custody of a child who is under 8 years of age, assaults the child by means of force that to a reasonable person would be likely to produce great bodily injury, resulting in the child's death, shall be punished by imprisonment in the state prison for 25 years to life.

This bill would, in addition, make it a felony, punishable by imprisonment in the state prison for ~~15 years to life~~ *with the possibility of parole*, for a person, having the care or custody of a child who is under 8 years of age, to assault the child with force that to a reasonable person would be likely to produce great bodily injury, resulting in the child becoming comatose due to brain injury or suffering paralysis of a permanent nature, as specified.

Because this bill would change the definition of a crime and increase the punishment for an existing crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*This bill would make its operation contingent on the enactment of AB 1844 of the 2009–10 Regular Session of the Legislature.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 273ab of the Penal Code is amended to  
2 read:

3 273ab. (a) Any person, having the care or custody of a child  
4 who is under eight years of age, who assaults the child by means  
5 of force that to a reasonable person would be likely to produce  
6 great bodily injury, resulting in the child's death, shall be punished  
7 by imprisonment in the state prison for 25 years to life. Nothing  
8 in this section shall be construed as affecting the applicability of  
9 subdivision (a) of Section 187 or Section 189.

10 (b) Any person, having the care or custody of a child who is  
11 under eight years of age, who assaults the child by means of force  
12 that to a reasonable person would be likely to produce great bodily  
13 injury, resulting in the child becoming comatose due to brain injury  
14 or suffering paralysis of a permanent nature, shall be punished by  
15 imprisonment in the state prison for ~~15 years to life~~ *life with the*  
16 *possibility of parole*. As used in this subdivision, "paralysis" means  
17 a major or complete loss of motor function resulting from injury  
18 to the nervous system or to a muscular mechanism.

19 SEC. 2. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 the only costs that may be incurred by a local agency or school  
22 district will be incurred because this act creates a new crime or  
23 infraction, eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section 17556 of  
25 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.
- 3 *SEC. 3. This act shall only become operative if Assembly Bill*
- 4 *1844 of the 2009–10 Regular Session of the Legislature is enacted.*

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